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BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Annual Reports for the Year Ended December 31, 2003, Filed by
Commercial Mobile Radio Service Providers on a Confidential Basis

INFORMATION REGARDING CONFIDENTIAL FILINGS

Introduction

This information is being provided to assist commercial mobile radio service providers (CMRSs) who wish to request confidential handling of portions of their Commercial Mobile Radio Service Provider (CMR) annual reports. The statutory filing date for the CMR annual report covering 2003 calendar year operations is April 1, 2004; 63 CMRSs are required to file this report for the 2003 calendar year. The Commission has the authority to compel the filing of this annual report pursuant to Wis. Stat. §§ 196.202 and 196.218 and Wis. Admin. Code ch. PSC 160.

Filing Process

The 2003 CMR annual report is contained in the 2003 Web Annual Report Program for ARW, CMR, CTV, and RES Providers. With the exception of the primary utility contact (located at the utility address) and the regulatory inquiries and complaints contact, the 2003 CMR annual report¹ essentially requires information identical to that requested in the 2002 CMR annual report. For the 2003 CMR annual report program, which was released on February 9, 2004, the Commission has continued a paperless filing process and has discontinued the

¹ The 2003 CMR annual report also requires CMRSs to report all dollar amounts to the nearest thousand dollars. (Example: \$130,000 should be reported as \$130.)

Information Regarding 2003 CMR Annual Report Confidential Filings

requirement to download a program to the annual report user's computer. Each CMRS required to file the 2003 CMR annual report was sent a letter dated February 9, 2004, containing a password to be used to access the CMR annual report program for completion and filing of the 2003 and subsequent years' CMR annual reports. The 2003 CMR program does not contain capability allowing users to file any portion of the report on a confidential basis. Unless a CMRS desires additional provisional confidential treatment of any portion of the 2003 CMR annual report, all 2003 CMR annual report filings must be accomplished via the CMR Web-based application.²

Filing of the 2003 CMR annual report using the Web-based application will result in the entire report being available on a public basis. Any CMRS wishing to file a portion of its 2003 CMR annual report on a confidential basis should contact Commission staff concerning the particular procedures which must be followed for a manual annual report filing. CMRSs wishing confidential handling must submit a request, in accordance with Wis. Admin. Code § PSC 2.12, with their manual filing. Subsequent to such manual filing, the Commission will issue a confidentiality determination in accordance with the rule. If the Commission denies a request for confidential handling, the information will be handled confidentially until 14 days after the determination, after which it will be posted on the Commission's website along with the remainder of the annual report.

² Commission Web page instructions direct that if a user desires additional provisional confidential treatment above that provided in the CMR annual report form, the user should not electronically file the annual report. Instead, the user should contact Commission staff concerning required manual filing procedures.

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Previous Confidentiality Rulings

Five CMRSs³ requested confidential treatment⁴ for the Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information on p. 6 of their respective 2002 CMR annual reports. For the reasons stated in a Confidentiality Determination dated July 8, 2003, confidential treatment (and trade secret status as claimed by some CMRSs) for the above specifically identified data was granted on a provisional basis, without consideration of the merits of the arguments of any company contained in respective affidavits accompanying the 2002 CMR annual reports, based on the then-pending status of related court cases.

In a Confidentiality Determination dated April 21, 2004, the Commission granted both confidential treatment (and trade secret status as claimed by some CMRSs) to selected portions of both companies' 2002 CMR annual report filings.

In 2002, nine court cases were filed concerning previous manually-filed annual reports. The nine cases were subsequently consolidated into two cases. One court case resulted in a decision favorable to the Commission's determinations; the other court case resulted in an adverse decision. In a Confidentiality Determination dated May 11, 2004, the Commission granted confidential treatment and, where claimed, trade secret status to selected portions of 2001 manually-filed annual reports.

CMRSs requesting confidential handling of portions of their 2003 CMR annual reports should be aware that, under Wis. Admin. Code § PSC 2.12, they have the burden of establishing

³The five CMRSs are AT&T Wireless Services of Minnesota, Inc., SprintCom, Inc., Sprint Spectrum L.P., TeleCorp Communications, Inc., and AT&T Wireless PCS, LLC.

⁴ Trade secret status was also claimed by some of the five CMRSs.

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a reasonable basis to believe that the information is exempt from disclosure under one of the grounds listed in Wis. Admin. Code § PSC 2.12(3)(a).

Dated at Madison, Wisconsin, September 23, 2004

For the Commission:

/s/ Gary A. Evenson
Gary A. Evenson
Administrator
Telecommunications Division

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